

**Notice of Allowability**

Application No.

10/561,935

Examiner

Jennifer A. Mehmood

Applicant(s)

FITZPATRICK, PETER J.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed December 13, 2007.
2. ☒ The allowed claim(s) is/are 1-6 and 8-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

***Allowable Subject Matter***

1. Claims 1-6 and 8-10 are allowed.

The following is an examiner's statement of reasons for allowance: For claim 1,

An apparatus for fighting a fire comprising a suspendible container having a perforated lower surface each of whose perforations is closed by a heat-sensitive membrane rupturable at an elevated temperature, the container containing a fire retardant material which is released upon rupture of the membrane, the apparatus further including an electric heater adjacent to the membrane and a smoke detector controlling the heater such that upon the detection of smoke the heater is switched on to rupture the membrane. For claim 6, An apparatus for fighting a fire comprising a suspendible container having a perforated lower surface each of whose perforations is closed by a first heat-sensitive membrane rupturable at an elevated temperature, an electric heater being adjacent to the first membrane and a smoke detector controlling the heater such that upon the detection of smoke, the heater is switched on to rupture the first membrane, the container containing a fire retardant material which is released upon rupture of the membrane, the apparatus further including at least one further heat-sensitive membrane embedded in the fire retardant material above the first membrane such that a respective layer of fire retardant material lies above each membrane, whereby upon rupture of the first membrane the layer of fire retardant material immediately above it is released and the further membrane comes to rest upon the lower surface of the container, the layer of fire retardant material immediately above the

further membrane being released only upon subsequent rupture of the further membrane.

Moreover, the prior art indicates that this particular apparatus is novel for this particular invention and has not been published or patented by other entities. This particular invention is novel because it contains a separate heat source which facilitates the rupturing of the membrane, where all other prior art does not include a separate heat source, but merely uses the heat produced from a fire to rupture the membrane.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Edwards et al. (US 6,725,941) and Dykhoff (US 6,572,948) disclose fire retardant material contained within a heat rupturable membrane, where the material is released upon a significant amount of heat (i.e. fire). Gregg (US 2,749,993) discloses a fire extinguisher with a heater.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Mehmood whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Daniel Wu, can be reached at (571) 272.2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273.8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer A. Mehmood  
January 14, 2008

  
BENJAMIN C. LEE  
PRIMARY EXAMINER